

Snell & Wilmer
LLP
LAW OFFICES
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, Nevada 89169
702.784.5200

Bob L. Olson (NV Bar No. 3783)
V.R. Bohman (NV Bar No. 13075)
SNELL & WILMER, L.L.P.
3883 Howard Hughes Parkway, Suite 100
Las Vegas, NV 89169
Telephone: (702) 784-5200
bolson@swlaw.com
nkanute@swlaw.com

James D. McCarthy (*admitted pro hac vice*)
Jason P. Fulton (*admitted pro hac vice*)
MaryAnn Joerres (*admitted pro hac*)
David R. Reynolds (*admitted pro hac*)
DIAMOND MCCARTHY, LLP
2711 N. Haskell Ave., Suite 3100
Dallas, TX 75204
Telephone: (214) 389-5300
jmccarthy@diamondmccarthy.com
jfulton@diamondmccarthy.com
mjoerres@diamondmccarthy.com
dreynolds@diamondmccarthy.com

Attorneys for Snow Covered Capital, LLC

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

SNOW COVERED CAPITAL, LLC,

Plaintiff,

vs.

WILLIAM WEIDNER, ANDREW FONFA,
and DAVID JACOBY,

Defendants.

Case No. 2:19-00595-JAD-NJK

**AMENDED STIPULATION TO EXTEND
BRIEFING SCHEDULE ON MOTIONS
FOR SUMMARY JUDGMENT
(First Request)**

ECF No. 211

Pursuant to LR 7-1, LR IA 601, and LR IA 602, Plaintiff Snow Covered Capital, LLC (“SCC”) and Defendants Fonfa, Weidner, and Jacoby, submit this Amended Stipulation to Extend Briefing Schedule on Motions for Summary Judgment and ask that this Court enter an order endorsing the matters stipulated herein. For good cause shown below, that order would amend and add a reasonable amount of additional time to the response and reply dates for the parties to respond to the following motions for summary judgment filed by the parties and now pending before the

1 Court.

2 The motions subject to this stipulation for extension of time include the following:

- 3 1. **ECF No. 199** (filed 10/29/2021) - Defendants William Weidner's and David Jacoby's
- 4 Motion for Partial Summary Judgment Relating to Additional Categories of Post-
- 5 Foreclosure Damages (ECF No. 199)
- 6 2. **ECF No. 202** (filed 11/1/2021) - Defendant Fonfa's joinder in the above motion for
- 7 summary judgment.
- 8 3. **ECF No. 203** (filed 11/6/2021) Plaintiff Snow Covered Capital LLC's Motion for Partial
- 9 Summary Judgment Regarding Defendant David Jacoby's and William Weidner's
- 10 Affirmative Defenses (With Supporting Memorandum)
- 11 4. **ECF No. 206** (filed 11/6/2021) Plaintiff Snow Covered Capital LLC's Motion for Partial
- 12 Summary Judgment Regarding Defendant Fonfa's Affirmative Defenses (With Supporting
- 13 Memorandum)

14 Under Local Rule 7-2, the time allowed for filing an opposition to each of the above motions

15 is twenty-one days and the time allowed time for filing a reply date is a further fourteen days after

16 the filing of the opposition.

17 SCC's counsel recently reached out to Defendants' counsel regarding stipulating to a

18 modified briefing schedule for the above motions. The modification is warranted given the fact

19 that the response and reply dates for the above motions as set by the above local rule would cross

20 over or occur in near proximity to the Thanksgiving holidays. In addition, each of the above

21 dispositive motions raised significant and complex issues that required substantial work for the

22 responding party to marshal the law and factual materials needed to respond. For example,

23 Defendants' motion seeks a partial summary judgment on all post foreclosure damages asserted by

24 Plaintiff. And Plaintiff's motions seek summary judgment on all of Defendants' remaining

25 affirmative defenses. After conferring regarding the work required for the oppositions and replies,

26 the time allotted by the rules, the schedules of clients and counsel considering the holiday periods

27 and conflicting deadlines in other matters, the parties agreed to a briefing schedule that would

28

provide for both (1) a two week extension of time for the submission of opposition briefs, and (2) a single, unified reply brief submission deadline set to occur the end of the first week following the conclusion of the Christmas and New Year holidays (necessitated by the extensions of the oppositions brief deadlines). These extensions are not intended to cause undue delay in the resolution of the above motions; rather, they will allow the parties time to prepare responses commensurate with the significance of the issues raised therein while taking the upcoming holidays into account and the schedules of counsel, and will result in the alignment of the briefing and submission dates of both sets of dispositive motions.

Accordingly, the parties stipulated to the following briefing schedule for each of the above motions:

5. **ECF No. 199** (filed 10/29/2021) - Defendants William Weidner's and David Jacoby's Motion for Partial Summary Judgment Relating to Additional Categories of Post-Foreclosure Damages and **ECF No. 202** (filed 11/1/2021) Defendant Fonfa's joinder.
 - a. Plaintiff's brief in response will be extended two weeks to December 3, 2021.
 - b. Defendants' reply will be due January 7, 2022.
6. **ECF No. 203** (filed 11/6/2021) Plaintiff Snow Covered Capital LLC's Motion for Partial Summary Judgment Regarding Defendant David Jacoby's and William Weidner's Affirmative Defenses (With Supporting Memorandum)
 - a. Defendants' brief in response will be extended two weeks to December 13, 2021.
 - b. Plaintiff's reply will be due January 7, 2022.
7. **ECF No. 206** (filed 11/6/2021) Plaintiff Snow Covered Capital LLC's Motion for Partial Summary Judgment Regarding Defendant Fonfa's Affirmative Defenses (With Supporting Memorandum)
 - a. Defendants' brief in response will be extended two weeks to December 13, 2021.
 - b. Plaintiff's reply will be due January 7, 2022.

This stipulation is without prejudice to or waiver of any parties' rights and arguments with respect to the foregoing motions.

WHEREFORE, PREMISES CONSIDERED, the parties respectfully request that this Court endorse the foregoing stipulation and make it the Court's own order.

Dated: November 22, 2021

STIPULATED AND AGREED BY ALL PARTIES:

SANTORO WHITMIRE, LTD.

By: /s/ Nicholas Santoro

Nicholas Santoro (NV Bar No. 532)
Oliver J. Pancheri (NV Bar No. 7476)
10100 W. Charleston Blvd., Suite 250
Las Vegas, Nevada 89135
Tel.: (702) 948-8771 / Fax: (702) 948-8773
nsantoro@santoronevada.com
opancheri@santoronevada.com
*Attorneys for Defendants William Weidner
and David Jacoby*

HOWARD & HOWARD ATTORNEYS
PLLC

By: /s/ Robert Hernquist

Robert Hernquist (NV Bar No. 10616)
Mark Gardberg (NV Bar No. 10879)
Wells Fargo Tower, Suite 1000
3800 Howard Hughes Parkway
Las Vegas, Nevada 89169-5980
Tel.: (702) 257-1483 / Fax: (702) 567-1568
rwh@h2law.com
mjg@h2law.com
Attorneys for Defendant Andrew Fonfa

SNELL & WILMER L.L.P.


By: /s/ Bob L. Olson

Bob L. Olson (NV Bar No. 3783)
V.R. Bohman (NV Bar No. 13075)
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, NV 89169
Telephone: (702) 784-5200
bolson@swlaw.com
vbohman@swlaw.com

and

James D. McCarthy (*pro hac vice*)
Jason P. Fulton (*pro hac vice*)
DIAMOND MCCARTHY, LLP
2711 N. Haskell Ave., Suite 3100
Dallas, TX 75204
Phone: (214) 389-5300
jmccarthy@diamondmccarthy.com
jfulton@diamondmccarthy.com
*Attorneys for Plaintiff and Counterclaim
Defendant Snow Covered Capital, LLC*

IT IS SO ORDERED


United States District Judge

Dated: 11-24-2021

Snell & Wilmer

LLP
LAW OFFICES
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, Nevada 89169
702.784.5200